

**In the Court of Jaswinder Sheemar, Judge, Special Court,
Hoshiarpur. (UID No.PB-0093)**

BA No. 2967 of 2024
CNR No:PBHO01008715 of 2024

Versus

State of Punjab

FIR No.77 dated 16.9.2024
Under Section 303(2) later on Section 317(2) IPC
PS Garhdiwala, District Hoshiarpur

First application for anticipatory bail.

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Present: Shri Ajay Goyal, Advocate for bail-applicant.
Shri Rainish Salaria, Ld. Addl. Public Prosecutor for the State.

ORDER:

1. This is a first bail application filed on behalf of bail- applicant in the above referred FIR case.
2. Notice of bail application was issued to the State through Learned Additional Public Prosecutor of the State, who put in appearance and contested the bail application.
3. The record was requisitioned and perused.
4. I have heard the Learned Additional Public Prosecutor for State and the Learned Counsel for bail-applicant and have gone through the police record.
5. From the police record it comes to the surface that one **Gurdeep Singh (complainant)** has set the police machinery into motion by way of getting registered the present FIR U/S **303(3) the Bharatiya Nyaya Sanhita (BNS), 2023**, against **Jagdeep Singh @ Deepu (co-accused)** and **Sandeep Singh (bail-applicant)**. It is evident that two persons on motorcycle had come in village Ambala Jattan, at about 1.30 P.M in order to commit theft, who had already committed theft and the

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villagers identified them as Sandeep Singh (bail-applicant) son of Satpal Singh resident of Dwakhri, who fled away from the spot by leaving his motorcycle and second person Jagdeep Singh @ Deepu (co-accused), who could be apprehended at the spot and both of them have also stolen the iron lid of gutter from Baghpur Gali of Bakhtawar Singh son of Swaran Singh and stolen cables from three motors of Satnam Singh son of Jaswant Singh of village Johla. When ASI was present in the police station, at that time MHC informed him that he received a telephonic call from village Ambala Jattan that they have apprehended one thief while committing theft, therefore to send official, whereupon ASI along with other cops landed at village Amabala Jattan where respectable namely Harbhajan Singh son of Sadhu Singh, Gurdeep Singh (Sarpanch) and Paramjit Singh son of Mohinder Singh had filed a complaint under their signatures, therefore finding an offence U/S 303(2) BNS against Sandeep Singh and Jagdeep Singh @ Deepu, the FIR was registered against them under Section 303(2) of BNS.

6. It is observed that Jagdeep Singh @ Deepu (co-accused) since apprehended by the villagers at the spot while committing theft, recovery of cables, hammer and lid of gutter and motorcycle splendor bearing No.HR-05-Y-8755 were recovered and taken into possession. The present bail-applicant managed to flee away from the spot, whereas there are allegations against accused that he had already committed theft. Therefore custodial interrogation of the bail-applicant is required and in this scenario. Hence it is not a fit case where the bail-applicant is entitled to anticipatory bail. Therefore the anticipatory bail application filed on behalf of bail-

applicant is **dismissed**.

7. The observations made by undersigned vide this order will have no reflection on merits.

8. Bail application file be consigned to the Judicial Record Room, Hoshiarpur, on its completion.

Pronounced in open Court:

Dated: 11.10.2024

Naveen,JW

(Jaswinder Sheemar),

Judge Special Court, Hoshiarpur.

(UID No.PB-0093).